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31 *Be it enacted by the Legislature of the state of Utah:*32 Section 1. Section **58-31b-302** is amended to read:33 **58-31b-302. Qualifications for licensure or certification -- Criminal background**  
34 **checks.**

35 (1) An applicant for certification as a medication aide shall:

36 (a) submit an application to the division on a form prescribed by the division;

37 (b) pay a fee to the division as determined under Section [63J-1-504](#);

38 (c) have a high school diploma or its equivalent;

39 (d) have a current certification as a nurse aide, in good standing, from the Department  
40 of Health;41 (e) have a minimum of 2,000 hours of experience within the two years prior to  
42 application, working as a certified nurse aide in a long-term care facility;43 (f) obtain letters of recommendation from a long-term care facility administrator and  
44 one licensed nurse familiar with the applicant's work practices as a certified nurse aide;45 (g) be in a condition of physical and mental health that will permit the applicant to  
46 practice safely as a medication aide certified;47 (h) have completed an approved education program or an equivalent as determined by  
48 the division in collaboration with the board;49 (i) have passed the examinations as required by division rule made in collaboration  
50 with the board; and51 (j) meet with the board, if requested, to determine the applicant's qualifications for  
52 certification.

53 (2) An applicant for licensure as a licensed practical nurse shall:

54 (a) submit to the division an application in a form prescribed by the division;

55 (b) pay to the division a fee determined under Section [63J-1-504](#);

56 (c) have a high school diploma or its equivalent;

57 (d) be in a condition of physical and mental health that will permit the applicant to

58 practice safely as a licensed practical nurse;

59 (e) have completed an approved practical nursing education program or an equivalent  
60 as determined by the board;

61 (f) have passed the examinations as required by division rule made in collaboration  
62 with the board; and

63 (g) meet with the board, if requested, to determine the applicant's qualifications for  
64 licensure.

65 (3) An applicant for licensure as a registered nurse shall:

66 (a) submit to the division an application form prescribed by the division;

67 (b) pay to the division a fee determined under Section [63J-1-504](#);

68 (c) have a high school diploma or its equivalent;

69 (d) be in a condition of physical and mental health that will allow the applicant to  
70 practice safely as a registered nurse;

71 (e) have completed an approved registered nursing education program;

72 (f) have passed the examinations as required by division rule made in collaboration  
73 with the board; and

74 (g) meet with the board, if requested, to determine the applicant's qualifications for  
75 licensure.

76 (4) Applicants for licensure as an advanced practice registered nurse shall:

77 (a) submit to the division an application on a form prescribed by the division;

78 (b) pay to the division a fee determined under Section [63J-1-504](#);

79 (c) be in a condition of physical and mental health which will allow the applicant to  
80 practice safely as an advanced practice registered nurse;

81 (d) hold a current registered nurse license in good standing issued by the state or be  
82 qualified at the time for licensure as a registered nurse;

83 (e) (i) have earned a graduate degree in:

84 (A) an advanced practice registered nurse nursing education program; or

85 (B) a related area of specialized knowledge as determined appropriate by the division

86 in collaboration with the board; or

87 (ii) have completed a nurse anesthesia program in accordance with Subsection

88 (4)(f)(ii);

89 (f) have completed:

90 (i) course work in patient assessment, diagnosis and treatment, and

91 pharmacotherapeutics from an education program approved by the division in collaboration

92 with the board; or

93 (ii) a nurse anesthesia program which is approved by the Council on Accreditation of

94 Nurse Anesthesia Educational Programs;

95 ~~[(g) have successfully completed clinical practice in psychiatric and mental health~~

96 ~~nursing, including psychotherapy as defined by division rule, after completion of a doctorate or~~

97 ~~master's degree required for licensure, to practice within the psychiatric and mental health~~

98 ~~nursing specialty;]~~

99 (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as

100 described in division rule, that the applicant, after completion of a doctorate or master's degree

101 required for licensure, is in the process of completing the applicant's clinical practice

102 requirements in psychiatric mental health nursing, including in psychotherapy;

103 (h) have passed the examinations as required by division rule made in collaboration

104 with the board;

105 (i) be currently certified by a program approved by the division in collaboration with

106 the board and submit evidence satisfactory to the division of the certification; and

107 (j) meet with the board, if requested, to determine the applicant's qualifications for

108 licensure.

109 (5) For each applicant for licensure or certification under this chapter:

110 (a) the applicant shall:

111 (i) submit fingerprint cards in a form acceptable to the division at the time the

112 application is filed; and

113 (ii) consent to a fingerprint background check by the Utah Bureau of Criminal

114 Identification and the Federal Bureau of Investigation regarding the application; and

115 (b) the division shall request the Department of Public Safety to complete a Federal  
116 Bureau of Investigation criminal background check through the national criminal history  
117 system (NCIC) or any successor system.

118 (6) For purposes of conducting the criminal background checks required in Subsection  
119 (5), the division shall have direct access to criminal background information maintained  
120 pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

121 (7) (a) (i) Any new nurse license or certification issued under this section shall be  
122 conditional, pending completion of the criminal background check.

123 (ii) If the criminal background check discloses the applicant has failed to accurately  
124 disclose a criminal history, the license or certification shall be immediately and automatically  
125 revoked.

126 (b) (i) Any person whose conditional license or certification has been revoked under  
127 Subsection (7)(a) shall be entitled to a postrevocation hearing to challenge the revocation.

128 (ii) The hearing shall be conducted in accordance with Title 63G, Chapter 4,  
129 Administrative Procedures Act.

130 (8) (a) If a person has been charged with a violent felony, as defined in Subsection  
131 76-3-203.5(1)(c), and, as a result, the person has been convicted, entered a plea of guilty or  
132 nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the  
133 successful completion of probation:

134 (i) the person is disqualified for licensure under this chapter; and

135 (ii) (A) if the person is licensed under this chapter, the division:

136 (I) shall act upon the license as required under Section 58-1-401; and

137 (II) may not renew or subsequently issue a license to the person under this chapter; and

138 (B) if the person is not licensed under this chapter, the division may not issue a license  
139 to the person under this chapter.

140 (b) If a person has been charged with a felony other than a violent felony, as defined in  
141 Subsection 76-3-203.5(1)(c), and, as a result, the person has been convicted, entered a plea of

142 guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance  
 143 pending the successful completion of probation:

144 (i) if the person is licensed under this chapter, the division shall determine whether the  
 145 felony disqualifies the person for licensure under this chapter and act upon the license, as  
 146 required, in accordance with Section 58-1-401; and

147 (ii) if the person is not licensed under this chapter, the person may not file an  
 148 application for licensure under this chapter any sooner than five years after having completed  
 149 the conditions of the sentence or plea agreement.

150 Section 2. Section 58-31b-305 is amended to read:

151 **58-31b-305. Term of license -- Expiration -- Renewal.**

152 (1) The division shall issue each license or certification under this chapter in  
 153 accordance with a two-year renewal cycle established by rule. The division may by rule extend  
 154 or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

155 ~~[(2) At the time of renewal, the licensee or person certified under this chapter shall~~  
 156 ~~show satisfactory evidence of each of the following renewal requirements:]~~

157 (2) The division shall renew the license of a licensee who, at the time of renewal:

158 (a) ~~[complete and submit]~~ completes and submits an application for renewal in a form  
 159 prescribed by the division ~~[and pay the renewal fee determined];~~

160 (b) pays a renewal fee established by the division under Section 63J-1-504; and

161 ~~[(b)]~~ (c) [meet] meets continuing competency requirements as established by rule~~;~~  
 162 ~~[which shall include continuing education requirements for medication aide certified~~  
 163 ~~established by the board and adopted by the division by rule].~~

164 (3) In addition to the renewal requirements under Subsection (2), a person licensed as a  
 165 advanced practice registered nurse shall be currently certified by a program approved by the  
 166 division in collaboration with the board and submit evidence satisfactory to the division of that  
 167 qualification or if licensed prior to July 1, 1992, meet the requirements established by rule.

168 (4) In addition to the requirements described in Subsections (2) and (3), an advanced  
 169 practice registered nurse licensee specializing in psychiatric mental health nursing who, as of

170 the day on which the division originally issued the licensee's license had not completed the  
171 division's clinical practice requirements in psychiatric and mental health nursing, shall, to  
172 qualify for renewal:

173 (a) if renewing less than two years after the day on which the division originally issued  
174 the license, demonstrate satisfactory progress toward completing the clinical practice  
175 requirements; or

176 (b) have completed the clinical practice requirements.

177 [~~4~~] (5) Each license or certification automatically expires on the expiration date  
178 shown on the license or certification unless renewed in accordance with Section 58-1-308.